

Message Text

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TAGS: TGEN, PL, US

SUBJECT: SFCP: PER DIEM RATES FOR JOINT FUND PROJECTS

REF: (A) STATE 288461; (B) WARSAW 8464

1. FOLLOWING ARGUMENTATION MIGHT BE USEFUL IF POLES HAVE NOT YET AGREED WITH US SUGGESTION IN REF (A) TO DROP FROM OCT 9 AD REF AGREEMENT SPECIFICATION OF PER DIEM RATE FOR AMERICANS IN POLAND:

A) EQUITY REQUIRES APPLICATION OF SAME US PER DIEM REGULATIONS TO ALL AMERICAN TRAVELERS, INCLUDING THOSE TRAVELING FOR JOINT FUND PROJECTS. FYI CURRENT CEILING PER DIEM RATE FOR OFFICIAL AMERICAN VISITORS IN POLAND IS 1,440 ZLOTYS OR ACTUAL EXPENSES. END FYI. NOTE THAT PER DIEM IS NOT ONE OF THE "CONDITIONS OF TRAVEL" WHICH WOULD BE REGULATED BY PARA A5 OF OCT 9 AD REF AGREEMENT, WHICH DEALS ONLY WITH INTERNATIONAL AIR TRAVEL. IN OTHER WORDS, US PER DIEM REGULATIONS SHOULD APPLY TO POLISH-FINANCED AS WELL AS TO US-FINANCED TRAVEL OF AMERICANS IN POLAND.

B) SUGGESTED CLAUSE "IN THE SAME MANNER AS HERETOFORE"

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WOULD MEAN THAT DETAILED US REGULATIONS, INCLUDING ANY

FUTURE CHANGES, WOULD APPLY. FYI WE DO NOT WISH TO

REVISE B13 PER PARA 4 REF B SINCE ACTUAL COST WOULD NOT BE ONLY OPTION AVAILABLE. END FYI. US REGULATIONS PROTECT AGAINST ABUSES. IT WOULD BE VERY DIFFICULT FOR A US-POLISH AGREEMENT TO ANTICIPATE ALL CONTINGENCIES COVERED IN US REGS.

C) BY OMITTING THE RATE FROM THE AGREEMENT, THE MINISTRY OF FINANCE COULD AVOID THE NECESSITY FOR SEEKING POLISH GOVERNMENT APPROVAL FOR A FIGURE THEY MIGHT NOT WISH TO JUSTIFY, SINCE IT REFLECTS A HIGH RECENT RATE OF INFLATION.

D) US PER DIEM RATES HAVE BEEN USED UP TO NOW FOR POLISH TRAVELERS IN THE US. HOWEVER, US WOULD HAVE NO OBJECTION TO POLISH PER DIEM REGULATIONS BEING APPLIED TO POLISH TRAVELERS IN THE US. OCT 9 AD REF AGREEMENT WOULD NOT HAVE TO BE AMENDED TO PERMIT THIS.

E) OCT 9 AD REF AGREEMENT MAKES NO MENTION OF PER DIEM RATE FOR POLISH TRAVELERS IN THE US. SIMILARLY, WE SEE NO NEED FOR THAT AGREEMENT TO SPECIFY PER DIEM RATE FOR AMERICAN TRAVELERS IN POLAND.

2. FYI. RATHER THAN AMEND OCT 9 AD REF AGREEMENT TO REFLECT NEW 1440 RATE, WE WOULD PREFER REF (A) SUGGESTION TO OMIT SPECIFICATION OF RATE AND TO DELETE PROVISION FOR THE RATE TO BE SET BY US-POLISH AGREEMENT (I.E. RATE FOR AMERICAN TRAVELERS WOULD BE SET BY US UNILATERALLY). POLISH REACTION TO 1440 RATE INDICATES POSSIBLE DIFFICULTIES IN OBTAINING POLISH AGREEMENT TO ANY FUTURE RATE CHANGES. IN OUR VIEW, IT IS ESSENTIAL THAT RATE CHANGE AUTOMATICALLY TO CONFORM WITH ANY FUTURE INCREASES IN US RATE BEYOND 1440. END FYI.

3. PARA A1 OF OCT 9 DRAFT WOULD PROVIDE FOR APPLICATION OF STOESSEL-KRZAK TO PER DIEM AND MISCELLANEOUS TRAVEL EXPENSES OF POLISH TRAVELERS IN THE US IN SUPPORT OF JOINTLY FINANCED PROJECTS. THE \$1,250,000 LIMIT IN A4 UNCLASSIFIED

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NEED NOT INCLUDE THIS ITEM SINCE, PURSUANT TO PARA 3 OF STOESSEL-KRZAK IT IS FUNDED FROM FAR END RATHER THAN FRONT END ZLOTYS. HOWEVER, THE DRAWDOWN OF FAR END ZLOTYS WOULD DECREASE THE POLISH DEBT TO THE US. THEREFORE, CONSISTENT WITH A6 AND A7 OF THE DRAFT, AMOUNTS FOR THIS PURPOSE WOULD HAVE TO BE OFFSET BY TRANSFERRING LIKE AMOUNTS IN US OBLIGATIONS FOR OTHER ITEMS TO FINANCING FROM THE POLISH CONTRIBUTION. REQUEST EMBASSY

SO INFORM POLES AND PROPOSE THAT A4 BE REVISED TO READ:
"THE ADDITIONAL REQUIREMENTS FOR INTERNATIONAL AIR FARES
SHALL NOT EXCEED \$1,250,000. THE ADDITIONAL AMOUNTS FOR

AIR FARES AND FOR PER DIEM AND MISCELLANEOUS TRAVEL
EXPENSES OF POLISH TRAVELERS IN THE UNITED STATES SHALL
BE OFFSET BY TRANSFERRING LIKE AMOUNTS IN UNITED STATES
OBLIGATIONS FOR OTHER ITEMS TO FINANCING FROM THE
POLISH CONTRIBUTION". ROBINSON

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